

REMARKS

Claims 1-16 are pending in the application, with claims 1, 2, 3, 7, 9 and 12 being independent. Claims 4-16 are newly added directed to other aspects of the invention and Applicants submit that these new claims 4-15 are each patentable over the prior art of record. Reconsideration of the application is respectfully requested in view of the following remarks.

Traversal of §103(a) Rejections

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 5,765,152 to Erickson ("Erickson") in view of U.S. Patent No. 6,226,618 to Downs *et al.* ("Downs"). This rejection is respectfully traversed.

Requirements for a *Prima Facie* case of Obviousness", the MPEP mandates that:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations. (Emphasis added)

Applicants submit that the applied references fail to disclose all the claimed limitations, either when taken singly or when combined. Moreover, there is no motivation to combine the applied references.

Erickson is directed to a system and method for managing electronic media by providing a secure container for electronic media that encapsulates binary data objects (col. 11, lines 22-25). However, contrary to Office Action's assertion on page 2 of the Office Action [at 2] that Erickson encrypts a header associated with a first data block, Erickson specifically states that "information within the Document header is generally not encrypted" (col. 11, lines 35-37). Therefore, there is no motivation to ever encrypt such a header, and hence, no motivation to combined Erickson with Downs.

Moreover, the Office Action admits that Erickson does not teach various features namely (per the Office Action) that the header includes a symmetric decryption key, rekeying

the header using data associated with a user or user's device, wherein the locked at least a portion of the electronic content to the user or the user's device, wherein the locked at least a portion of the electronic content can be decrypted and accessed by the user or on the user's device when the user or user's device has been authenticated against the container identifier and cited col. 9, 47-60 of Downs. However, a close inspection of this passage (or anywhere else in Downs) fails to demonstrate that "the locked at least a portion of the electronic content can only be decrypted and accessed by the user or on the user's device when the user or user's device has been authenticated against at least the container identifier," as required by claims 1-3 (emphasis added).

Furthermore, in Downs the symmetric key is not delivered with the electronic content, but rather, the symmetric key is always delivered inside the License SC (col. 24, lines 33-40). In Downs, the electronic content is always delivered to the user in the Content SC (col. 24, lines 47-58), separate from the symmetric key. This is different from claims 1-3. Claim 1 (and similarly claims 2 and 3) recites, in part:

creating a container having electronic content and a container identifier;

encrypting at least one data block of the electronic content using a symmetric encryption technique and encrypting a header associated with a first data block of the electronic content using an asymmetric encryption technique, the header including a symmetric decryption key; and

re-keying the header using data associated with a user or a user's device to lock at least a portion of the electronic content to the user or the user's device... (Emphasis added)

Applicants submit that Downs is not capable of fulfilling these requirements as the symmetric key is always found in the License SC and the electronic content is always found in the Content SC, and never together in the same container. In the invention of claims 1-3, the electronic content and symmetric decryption key are associated with the same container. This is a significant advantage so that multiple containers are not necessary as is the case in Downs.

Since Erickson and Downs fails to disclose all the features of claim 1-3, either when taken singly or when taken in combination, then the 103(a) rejection of claims 1-3 should now be withdrawn.

Newly Added Claims

Support for most of the newly added claims may be found in the original claims and at least in Figures 8A, 8B and 9, and corresponding disclosure in the specification. Other portions of the specification also provide support.

Support for claim 7 and 15 may be found at least at pages 7 (lines 1-4) and 14 (lines 1-3).

Conclusion

Applicants submit that all the rejections have been properly addressed and traversed, and the claims are now in condition for allowance. Prompt and favorable reconsideration is requested of the application. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written petition for extension of time if needed. Please charge any deficiencies and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles J. Gross", written in a cursive style.

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